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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,846	11/28/2001	Mika Sugimoto	FJ-2001-030-US	8448
21254	7590	06/24/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			ZHOU, TING	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/994,846	SUGIMOTO, MIKA	
	Examiner	Art Unit	
	Ting Zhou	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

nd

DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on 14 April 2005 under 37 CFR 1.53(d) based on parent Application No. 09/994,846 is acceptable and a RCE has been established. An action on the RCE follows.
2. The amendments filed on 24 February 2005, submitted with the filing of the RCE have been received and entered. Claims 1-14 as amended are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Parker, in the book, The Complete Idiot's Guide to Microsoft FrontPage 2000.

Referring to claims 1 and 8, Parker teaches a homepage creation and update program (Microsoft FrontPage 2000) causing the computer to execute the functions of displaying a plurality of stored images and allowing the user to select a desired image (displaying a plurality of files, such as clip art images, for users to import into a webpage) (pages 88-91), allowing the user to indicate a beginning of a homepage creation process (users can create a new website, or update a website by using the FrontPage creator/editor to save and publish pages) (pages 15-16, 25 and 107), automatically performing the one of the creation and the update of a homepage

Art Unit: 2173

using the desired image after the desired image is selected and the beginning of the homepage creation process is indicated by the user (after the user has added or edited a selected image, FrontPage will automatically create or update the page when the user selects the options to save the changes made to the website and upload and publish the newly added or edited images, pages etc.) (pages 26-27, 107 and 297-300); and arranging, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected plurality of images, automatically, according to image information stored in each image file (after the user has inserted or edited a selected image with corresponding image information stored in the image file, i.e. properties such as image width, height, direction, etc. in "Picture Properties", and selected the option to save and upload/publish the newly added or edited images to the web page, the web page is automatically created/updated with the images arranged in the user selected fashion, i.e. the size, height, placement, etc. of the images of the published website corresponds to the user edited "Picture Properties" information of the image) (pages 26-27, 92-96, 102-107 and 297-300).

Referring to claims 2 and 9, Parker teaches arranging, when the user selects a plurality of desired images and indicated beginning of the homepage creation process, the selected plurality of images in order of the user's selection and automatically performing the one of creation and update of the homepage (FrontPage places each image the user selects onto the page in order of user selection; for example, the first image the user selects will be placed onto the page, followed by the next image the user selects, etc.) (pages 88-91).

Referring to claims 3 and 10, Parker teaches the image information concerning at least one of image width, image height, image direction, image resolution, trimming and zooming

Art Unit: 2173

(image information that can be arranged include properties such as image width, height (size), direction (alignment), etc.) (pages 92-96 and 102-106).

Referring to claims 4 and 11, Parker teaches performing, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the one of the creation and update of the homepage, which displays the images with the photographing information stored in each image file, the photographing information concerning at least one of date and time, photographer, title, image width, image height, compression mode of a stored image, shutter speed, contraction value, brightness value, light exposure correction value, minimum stop-down value of lens, object distance, photometry method, flash emission conditions, photographing location, photographing direction, and comment information (when the user creates, or updates the webpage by uploading and publishing the page, photographing information, or file, image information can be displayed, including information such as date, title, size, comments, etc.) (pages 276-277 and 290-291).

Referring to claims 5 and 12, Parker teaches displaying, when the user selects the desired image and indicated beginning of the homepage creation process, a screen editor homepage, and selecting an image on the screen editor homepage, and then moving the image location and changing the image size (when the user selects to create a website with FrontPage and selected a desired image to add to the page, the user can change the size or location of the image by selecting the corresponding options, bringing up the appropriate dialog boxes, or screen editors for editing the images) (pages 92-95).

Referring to claims 6 and 13, Parker teaches automatically transmitting the homepage, which is one of created and updated by the homepage creation and update program, to a

specified server (FrontPage will upload the created, updated image and/or page onto a web server in order to publish the page over the Internet upon user selection to upload and publish the pages) (pages 297-300).

Referring to claims 7 and 14, Parker teaches creating and updating an index part concerning the homepage transmitted to the specified server (the user can view a summary, or index of all the pages, files, images, etc. on the site) (pages 276-277 and 290-291).

Response to Arguments

4. Applicant's arguments filed on 24 February 2005 have been fully considered but they are not persuasive:

The applicant asserts that in Microsoft FrontPage 2000, there is no teaching or suggestion of "...arranging, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected plurality of images automatically according to image information stored in each image file", as recited by the language of claims 1 and 8. The examiner respectfully disagrees. Microsoft FrontPage 2000, as described by Parker's guide on pages 86-91, teaches allowing users to select a plurality of images; the image information stored for each image, such as image height, width, alignment, etc., can be accessed and changed by the user via the "Picture Properties" dialog (pages 92-96). When the beginning of the homepage creation process is indicated, i.e. via the user selecting to save or upload/publish the web site, FrontPage automatically creates/updates the web page, i.e. updates the arrangement of images and image properties according to user input; for example, when the beginning of the homepage creation process is indicated via selection of the "OK" button on the Save Embedded Files dialog

box, the images on the pages are automatically replaced, i.e. rearranged, according to the changes made to the image information stored in each image file, i.e. , the size of the image (pages 26-27 and 107). Therefore, Microsoft FrontPage teaches that when the user selects a plurality of images and indicates beginning of the homepage creation process such as saving and uploading/publishing the web page, FrontPage automatically arranges, i.e. updates the images according to user edited image information stored for each image file, such as size, location, etc.

The applicant requested that the examiner point to specific lines that support the capability of an automatic arrangement of images, upon a user indicating to begin homepage creation and in accordance with image information stored in each image file. Parker's guide for FrontPage recites: "When you change your images, FrontPage needs to make necessary changes to your Web... To save your page and replace your original picture with the changes you've made, click the OK button.", on page 107. Therefore, FrontPage automatically replaces and rearranges the images according to user edited image properties information for each image file upon selection of the "OK" button. Although, the passage does not explicitly recite the word "automatic", FrontPage is an HTML editor that provides users with a graphical user interface for creation of web pages; FrontPage generates HTML files for web pages based on commands executed in the page layout interface available to the user; it is inherent that as soon as the user select the "OK" button, FrontPage automatically updates/saves/generates the webpage with the changed image properties information. Furthermore, Parker's guide for FrontPage explicitly recites that FrontPage automatically keeps track of and updates all the files on your web page ("Automatic Updates" page 330).

Art Unit: 2173

5. In view of the foregoing, the examiner respectfully maintains that FrontPage 2000 teaches the capability of an automatic arrangement of images, upon a user indicating to begin homepage creation and in accordance with image information stored in each image file.

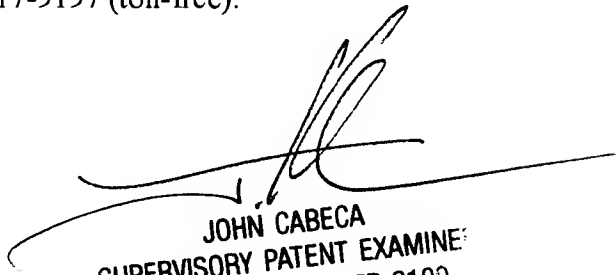
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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